



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/651,076	08/28/2003	Michael Grannan	1033-SS00415	7264
60533	7590	05/05/2008	EXAMINER	
TOLER LAW GROUP			GREGG, MARY M	
8500 BLUFFSTONE COVE				
SUITE A201			ART UNIT	PAPER NUMBER
AUSTIN, TX 78759			3694	
			MAIL DATE	DELIVERY MODE
			05/05/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/651,076	GRANNAN ET AL.
	Examiner	Art Unit
	MARY GREGG	3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 18 March 2008.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-49 is/are pending in the application.
 4a) Of the above claim(s) 11-15 and 29-41 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-10, 16-28 and 42-49 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date 08/28/2003, 08/10/2007; 9/10/2007.

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application
 6) Other: _____.

MMG

DETAILED ACTION

1. The following is a Non-Final Office action in response to communications received March 18, 2008. The examiner withdraws the restriction on claims 8-10 and 42-49.

Claims 11-14, 15 and 29-41 have been provisionally withdrawn and have been traversed in order to preserve issuance of subsequent petitions. Claims 1-10, 16-28 and 42-49 are pending and have been examined below.

Specification

2. The Specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d) (1) and MPEP § 608.01(o). Correction of the following is required.

The subject matter of Claim 43 and 44 uses the terminology "computer memory" for which has not been shown in the drawings or described in the detailed description preceding the claims. Although the specification does describe "memory" it does not interrelate the memory with a computer.

In reference to the objections stated above for lack of antecedence in the specification, according to MPEP 2111, the rules of the PTO require that application claims must "conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description", 37 CFR 1.75 (d) (1). The claims as filed in the original specification are part of the disclosure and therefore if an application as

originally filed contains a claim disclosing material not disclosed in the remainder of the specification, the applicant may amend the specification to include the claimed subject matter.

Appropriate correction is required.

Claim Objections

3. Claims 2 and 23-25 objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

In reference to Claims 2 and 23-25:

Claims 2 and 23-25 are directed toward non-functional descriptive material and do not further limit the claim. A listing of data that does not act upon any data or produce a result is non-functional descriptive subject matter and does not bear any patentable weight.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 3, 6, 16-28, 43 and 44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In reference to Claim 3:

Claim 3 recites the limitation "the sign-on" in line 3. There is insufficient antecedent basis for this limitation in the claim. For examination purposes the examiner is defining the limitation to be any login that requires a password or security.

In reference to Claim 6:

Claim 6 recites the limitation "the user's subscription" in line 2. There is insufficient antecedent basis for this limitation in the claim. For examination purposes the examiner is defining the limitation to be a membership or right to access at a site.

In reference to Claim 16:

Claim 16 recites in the preamble that the claim is directed towards the statutory category of a system. However, the body of claim 16 comprises of a "module" and is thus directed towards functional descriptive material. Therefore, it is not clear how a "module" (or functional descriptive material) constitutes a system. Additionally the applicant has not disclosed in either the written description, drawings or the claim any structure or material of which the system comprises. If there is not structure or material, the claim fails to satisfy 112 second paragraph requirements. (see MPEP 704.11(a) [R-3] (R)) Clarification is required. For examination purposes, the examiner has construed the system to contain a combination of software and hardware elements.

In reference to Claims 17-28:

Claims 17-28 depend from Claim 16 and contain the same deficiencies. Therefore, claims 17-28 are also rejected under 35 USC 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Clarification is required. For Examination purposes, the

examiner has construed the system to contain a combination of software and hardware elements.

In reference to Claims 17-21 and 26-28:

A single claim which claims both a system and the method steps of using the system is indefinite under 35 USC 112 second paragraph. Claims 17-21 and 26-28 cite a series of steps but depend upon claim 16 which is in the statutory category of a system. Therefore claims 17-21 and 26-28 are rejected under 112 second paragraph (see MPEP 2173.05 (p) [R-5] II).

In reference to Claims 43 and 44:

Claims 43 and 44 recites the limitation "computer memory" in line 2. There is insufficient antecedent basis for this limitation in the claim. For examination purposes the examiner is defining the limitation to be the encompassing memory on a hard drive and/or a software database of the user.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claim 1-10 and 16-28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In reference to Claim 1:

Claim 1 cites in the preamble, "A content broker hosting service module" which is not defined in any statutory category. The preamble and the body of the claim comprise

"a service module" and "account broker module" and it thus directed toward functional descriptive matter. Further, claim 1 does not cite that these modules are recorded on a computer readable medium, employed as a computer component, etc. As per MPEP 2106.01, descriptive material is non-statutory when claimed as descriptive material per se and not functionally and structurally interrelated to a medium.

In reference to Claims 2-10:

Claims 2-10 depend from claim 1 and do not cure the deficiencies set forth above. Therefore, claims 2-10 are also rejected for being directed toward non-statutory subject matter.

In reference to Claims 2 and 23-25:

Claims 2 and 23-25 cites a series of non-functional descriptive subject matter, according to MPEP 2106.01, when non-functional descriptive material is recorded on a computer readable medium it is not statutory and should be rejected under 35 USC 101

In reference to Claim 16:

Claim 16 recited a system comprising of "a content broker module". As discussed above with regards to the 35 USC 112, 2nd paragraph, rejections, "logic" limitations are functional descriptive material. Further, claim 16 does not cite that the "modules" as recorded on a computer readable medium, employed as a computer component, etc. As per MPEP 2106.01, descriptive material is non-statutory when claimed as descriptive material per se and not functionally and structurally interrelated to a medium.

In reference to Claims 17-28:

Claims 17-28 depend from claim 16 and do not cure the deficiencies set forth above. Therefore, claims 17-28 are also rejected for being directed toward non-statutory subject matter.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-2 and 4-5 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 7,213,005 B2 by Maurad et al. (Mau).

In reference to Claim 1:

(Currently Amended) A content broker (content provider) hosting service module comprising: a network interface permitting data communication over a network with third party (electronic digital content store) content providers ((Mau) Col 9 lines 66-67, Col 13 lines 25-26); a content broker module that communicates with the third party content providers via the network interface to acquire content and associated digital rights license keys ((Mau) Col 10 lines 19-20, 23-28); a device profile table including a device type of a media device and at least one type of media that can be played on the media device ((Mau) FIG. 17 ref # 803, FIG. 18 ref # 109; Col 11 lines 16-18, Col 12 lines 2-6, Col 13 lines 38-41, Col 61 lines 19-22, 24-26, 31-31); and a storage device for

storing purchased content on behalf of a user ((Mau) FIG. 1D, FIG. 10; Col 88 lines 47-48, 66-68, Col 89 lines 1-2)[;])

In reference to Claim 2:

(Original) The content broker (content provider) hosting service module of claim 1 (see rejection of claim 1 above), further comprising a media asset table, including, for each of a plurality of media elements, a unique identifier, a title, a category, a media type, a media characteristic, usage rights, a license key, a purchase date, a distributor purchase ID, a distributor unique content ID, and a distributor identifier ((Mau) FIG. 14, FIG 23-24, FIG 30-38).

In reference to Claim 4:

(Original) The content broker (content provider) hosting service module of claim 1 (see rejection of claim 1 above), further comprising a web server that aggregates content titles from third parties and offers content identified by the content titles to the user ((Mau) FIG 1D ref # 129, FIG. 7, Col 3 lines 55-59, Col 13 lines 30-33, Col 60 lines 50-55, 60-65, Col 35 table, Col 37 Table).

In reference to Claim 5:

(Original) The content broker (content provider) hosting service module of claim 1 (see rejection of claim 1 above), wherein the network interface uses standard web services protocols to communicate with the third party content providers ((Mau) FIG. 6; Col 25 lines 60-61).

10. Claims 16-28 rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 7,203,966 B2 by Abburi et al. (Abb).

In reference to Claim 16:

(Original) A system to provide a content brokerage service ((Abb) FIG. 1, FIG. 12), the system comprising: an interface to a distributed computer network, the distributed computer network providing access to a remote content provider ((Abb) FIG. 1 ref #12, FIG. 12 ref # 154, #152); a content broker module coupled to the interface ((Abb) FIG. 1 ref # 12); a single sign-on identity service to authenticate a subscriber to a content brokerage service supported by the content broker module ((Abb) FIG. 15; Col 59 lines 45-49, Col 68 lines 3-4, 41, 51-53); and a memory including content asset information and device profile information associated with at least one subscriber to the content brokerage service ((Abb) FIG. 1 ref # 20, #50, FIG 12 ref # 127, #122, #162).

In reference to Claim 17:

(Original) The system of claim 16 (see rejection of claim 16 above), wherein the content broker module facilitates a distribution of an updated license key and content to the at least one subscriber ((Abb) FIG. 1 ref # 20, #24, #50, FIG. 4 ref # 38, FIG. 20A, FIG. 20 C).

In reference to Claim 18:

(Original) The system of claim 17 (see rejection of claim 17 above), wherein the content broker module requests the remote content provider to distribute the updated license key and the content ((Abb) Col 4 lines 22-35; FIG 4 ref # 36).

In reference to Claim 19:

(Original) The system of claim 18 (see rejection of claim 18 above), wherein the content broker module receives a request from the at least one subscriber for the updated license key ((Abb) FIG. 5B, FIG. 7 ref # 701).

In reference to Claim 20:

(Original) The system of claim 19, wherein the at least one subscriber provides notification to the content brokerage service that an original content file is no longer available for use before the content broker module receives the request for the updated license key ((Abb) FIG. 1, FIG. 12, FIG. 21).

In reference to Claim 21:

(Original) The system of claim 16 (see rejection of claim 16 above), wherein the device profile information includes a first device identification of a first device, a first device type of the first device, and a first supported media type for the first device ((Abb) FIG. 1, FIG. 3, FIG. 8, FIG. 4 ref # 32, FIG. 7 ref # 711, FIG. 12).

In reference to Claim 22:

(Original) The system of claim 21 (see rejection of claim 12 above), wherein the device profile information further includes a device characteristic of the first device and a memory address to identify a free memory block suitable to store distributed content data ((Abb) FIG. 1, FIG. 12, FIG. 18, FIG. 24, FIG. 25).

In reference to Claim 23:

(Original) The system of claim 16 (see rejection of claim 16 above), wherein the content asset information is a media asset table including a media asset identity, a

media asset title, a media asset category, a media type, usage rights, and a license key ((Abb) FIG. 1, FIG. 4, FIG. 3, FIG. 12).

In reference to Claim 24:

(Original) The system of claim 23 (see rejection of claim 24 above), wherein the media asset table further includes purchase data and a content distributor identity ((Abb) FIG. 1, FIG. 12, FIG. 3, FIG. 8).

In reference to Claim 25:

(Original) The system of claim 16 (see rejection of claim 16 above), wherein the content asset information is a media asset table that includes a plurality of content asset entries, each of the plurality, of content asset entries including a content title and a license key ((Abb) FIG. 1).

In reference to Claim 26:

(Original) The system of claim 16 (see rejection of claim 16 above), wherein the remote content provider communicates with the content broker module to indicate content purchase request made on behalf of the at least one subscriber ((Abb) FIG. 1, FIG. 7 ref # 701, FIG. 20A).

In reference to Claim 27:

(Original) The system of claim 26 (see rejection of claim 26 above), wherein the content broker module accesses the memory to retrieve the device profile information ((Abb) FIG. 1, FIG. 8, FIG. 4, FIG. 16, FIG. 17, FIG. 25).

In reference to Claim 28:

(Original) The system of claim 27 (see rejection of claim 27 above), wherein the content broker module communicates the device profile information to the remote content provider ((Abb) FIG. 1, FIG. 25, FIG. 23, FIG. 24).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claims 3, 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,213,005 B2 by Maurad et al. (Mau) as applied to claim 1 above, and further in view of US Patent No. 7,290,288 B2 by Gregg et al. (Gregg).

In reference to Claim 3:

Mau teaches:

(Original) The content broker hosting service module of claim 1 (see rejection of claim 1 above), ...

Mau does not teach:

...further comprising a single sign-on identity service, capable of maintaining user accounts and authentication credentials including password and biometric information to facilitate federation of the sign-on by third party sites

Gregg teaches:

...further comprising a single sign-on identity service ((Gregg) FIG. 11, FIG. 16, FIG. 17, FIG. 24) capable of maintaining user accounts and authentication credentials including password and biometric information to facilitate federation of the sign-on by third party sites ((Gregg) Abstract lines 7-12, Col 1 Lines 55-60, 62-63, Col 2 lines 1-5, 7-12, Col 5 lines 28-32).

Both Mau and Gregg explicitly teach transactions over the internet, which Gregg teaches is typically untrusted ((Gregg) Col 1 lines 13-14). Gregg teaches a need when transactions are enacted over unsecured networks for businesses to protect assets. In generating internet revenue Gregg teaches there must be control over account holder access, transaction tracking, account data and billing ((Gregg) Col 1 lines 18-21). Gregg additionally teaches that password schemes or vulnerable to fraud and that authentication of clientele through unique digital identification and or a biometric identification is desired when generating network transactions as it protects the consumer and the network provider. Mau teaches not only internet transactions but also tracking transactions with transaction ID's. Mau also teaches a need to ascertain

and identifying multiple distinct user of a single player application though an identification process at the logging site ((Mau) Col 96 lines 27-31). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to expand the teachings of Mau to include the login in processes of Gregg in order to control account holder access, connect account data and beef up the transaction ID as taught by Mau.

In reference to Claim 6:

Mau teaches:

(Original) The content broker hosting service module of claim 1 (see rejection of claim 1 above), ... and device profile information ((Mau) FIG. 18; Col 26 lines 50-51)

Mau does not teach:

...wherein the third party content providers use single sign-on credentials to determine the user's subscription to a hosting service and initiate requests to obtain user

Gregg teaches:

...wherein the third party content providers use single sign-on credentials to determine the user's subscription to a hosting service and initiate requests to obtain user((Gregg) FIG. 16; Col 16 lines 15-34, 63-65)

Both Mau and Gregg explicitly teach transactions over the internet, which Gregg teaches is typically untrusted ((Gregg) Col 1 lines 13-14). Gregg teaches a need when transactions are enacted over unsecured networks for businesses to protect assets. In generating internet revenue Gregg teaches there must be control over account holder

access, transaction tracking, account data and billing ((Gregg) Col 1 lines 18-21).

Gregg additionally teaches that password schemes or vulnerable to fraud and that authentication of clientele through unique digital identification and or a biometric identification is desired when generating network transactions as it protects the consumer and the network provider. Mau and Gregg also teach media purchases and are therefore overlapping in subject matter. Additionally, Mau teaches not only internet transactions but also tracking transactions with transaction ID's. Mau also teaches a need to ascertain and identifying multiple distinct user of a single player application though an identification process at the logging site ((Mau) Col 96 lines 27-31). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to expand the teachings of Mau to include the login in processes of Gregg in order to control account holder access, connect account data and strengthen the transaction ID and logging identification as taught by Mau.

In reference to Claim 7:

Mau and Gregg teach:

(Original) The content broker hosting service module of claim 6 (see rejection of claim 6 above), wherein the content broker module receives media information, media file content, and rights usage license keys ((Mau) FIG. 6, FIG. 8-9, FIG. 12; Col 43 lines 14-45, Col 44 lines 62-64, Col 46 lines 18-20, 46-49, 62-63, 65-68in response to a content purchase request by the user ((Mau) FIG. 10; Col 45 lines 49-52).

14. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,203,966 B2 by Abburi et al. (Abb) and in view of US Patent No. 5,926,624 by Katz et al. (Kat).

In reference to Claim 8:

(Currently Amended) A method of distributing content using a hosting service (license server), the method comprising: providing a login to the hosting service using a single sign-on account ((Abb) FIG. 25; Col 59 lines 45-49), the hosting service supporting browsing of content titles aggregated from one or more content provider web sites ((Abb) Col 15 lines 47-48); responding to a user purchase request for a selected content title ((Abb) Col 15 lines 22-23, Col 16 lines 6-7); communicating with at least one of the content provider websites to request to purchase a copy of content associated with the selected content title ((Abb) Col 15 lines 39-46); providing user device characteristics so that at least one content provider website may determine a media format for delivery ((Abb) Col 4 lines 64-67, Col 3 lines 62-65, Col 61 lines 4-5, 15-20); receiving media characteristics including media type and fidelity, along with content data and digital rights license keys ((Abb) Col 3 lines 43-49, Col 10 lines 37-42); ... and optionally downloading sending the content to a requested user device ((Abb) Col 3 lines 50-53).

Abb does not teach:

...storing the media characteristics in a media asset table at the hosting service;...

Kat teaches:

...storing the media characteristics in a media asset table at the hosting service;... ((Kat) FIG. 2, FIG. 5; Abstract lines 3, 8-15, Col 2 lines 20-22, Col 6 lines 55-60).

Abb teaches explicitly of web browsers "especially designed to search for digital content" and teaches an engine that contains that function ((Abb) FIG. 10 ref # 12; Col 15 lines 47-48). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include in the Digital content function as taught by Abb a library of digital files as taught by Kat and suggested as an option by Abb.

In reference to Claim 9:

(Original) The method of claim 8 (see rejection of claim 8 above), wherein the content is adaptable with regard to media format, resolution, fidelity, or bit rate to accommodate a second device without reacquiring the content from a content provider website ((Abb) FIG. 23-25; Col 57 lines 41-42, Col 58 lines 2-7, 10-11, 17-19, 59-62, 65-66).

15. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,203,966 B2 by Abburi et al. (Abb) and in view of US Patent No. 5,926,624 by Katz et al. (Kat), as applied to claims 8 and 9 above, and further in view of US Pub No. 2003/0083986 A1 by Kobayashi (Kob).

In reference to Claim 10:

Abb and Kat teach:

(Original) The method of claim 9 (see rejection of claim 9 above), wherein the hosting service obtains a new license key ...

Abb and Kat do not teach:

...and notifies the content provider website of receipt of the new license key for billing purposes.

Kob teaches:

...and notifies (message) the content provider website of receipt of the new license key for billing purposes ((Kob) FIG. 3A-B, FIG. 6; para 0015 lines 1-6, para 0016 lines 4-6, para 0017 lines 1-3, para 0018 lines 2-4, para 0123 lines 1-13, para 0019 lines 3-4, para 0020 lines 2-4).

Although the combination of Abb and Kat do not teach notifying “content provider... of receipt ...new license key for billing”, Abb does teach in the licensing negotiation determining a payment instrument ((Abb) Col 22 lines 48-54). Furthermore Abb teaches a method the indicates whether a license has been paid for up front or should be collected ((Abb) Col 33 lines 51-53). Abb is teaching directly that the license would be paid for and that it could be paid for after the license was issued. Therefore, it would have been obvious to try for one of ordinary skill in the art at the time of the invention to include in the payment method as taught by Abb notification of receipt of the license key for billing purposes.

16. Claims 42-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,010,808 B1 by Leung et al. (Leu) and further in view of US Patent No. 7,200,288 B2 by Gregg et al. (Gregg).

In reference to Claim 42:

Leu teaches:

(Original A method of managing media content, the method comprising:
...providing device characteristics of a subscriber media device, the device
characteristics communicated from the content brokering site to a remote content
provider site ((Leu) Col 37 lines 39-43, 53-54, Col 38 lines 16-17); receiving content site
header data relating to media type from the remote content provider site ((Leu) FIG. 2;
Col 7 lines 38-53, 62-67, Col 8 lines 1-13, 20-21, 28-34); and receiving media content
and an associated license key allowing access to the media content from the remote
content provider site ((Leu) FIG. 1, FIG. 3, FIG.8, FIG. 5B; Col 12 lines 64-66, Col 13
lines 6-10, Col 14 lines 8-21, 41-47).

Leu does not teach:

... authenticating a subscriber to a content brokering site of a computer
network;...

Gregg teaches:

... authenticating a subscriber to a content brokering site of a computer
network;... ((Gregg) FIG. 11; Col 5 lines 28-34, Col 13 lines 6-22)

Both Leu and Gregg explicitly teach transactions over the internet, which Gregg
teaches is typically untrusted ((Gregg) Col 1 lines 13-14). Gregg teaches a need when
transactions are enacted over unsecured networks for businesses to protect assets. In
generating internet revenue Gregg teaches there must be control over account holder
access, transaction tracking, account data and billing ((Gregg) Col 1 lines 18-21).
Gregg additionally teaches that password schemes or vulnerable to fraud and that
authentication of clientele through unique digital identification and or a biometric

identification is desired when generating network transactions as it protects the consumer and the network provider. Leu teaches payment for licensing of media data ((Leu) Col 20 lines 27-30, Col 32 lines 1-3) Additionally Leu teach that the user rights to play the digital content is based on "who the user is" ((Leu) Col 17 lines 15-18). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to expand the teachings of Leu to include the login in processes of Gregg in order to determine who the user is, to protect assets and for billing purposes.

In reference to Claim 43:

(Original) The method of claim 42 (see rejection of claim 42 above), further comprising storing the media type in a computer memory ((Leu) FIG. 4, FIG. 5A , FIG. 13, FIG. 14, FIG. 12; Col 3 lines 55-57, Col 7 lines 38-53, Col 13 lines 30-32).

In reference to Claim 44:

(Original) The method of claim 43 (see rejection of claim 43 above), further comprising storing the media content in the computer memory ((Leu) FIG. 4; Col 12 lines 64-67, Col 33 lines 1-4, Col 33 lines 33-43).

In reference to Claim 45:

(Original) The method of claim 42 (see rejection of claim 43 above), further comprising distributing the media content to the subscriber media device ((Leu) FIG. 13; Col 17 lines 15-17, Col 33 lines 1-4, 33-43, Col 34 lines 23-25).

In reference to Claim 46:

Leu and Gregg teach:

(Original) The method of claim 42 (see rejection of claim 42 above), ...

Leu does not teach:

...wherein single sign-on credentials are used to perform the step of authenticating the subscriber

Gregg teaches:

...wherein single sign-on credentials are used to perform the step of authenticating the subscriber ((Gregg) Abstract lines 7-12, Col 1 Lines 55-60, 62-63, Col 2 lines 1-5, 7-12, Col 5 lines 28-32).

Gregg teaches a need when transactions are enacted over unsecured networks for businesses to protect assets. In generating internet revenue Gregg teaches there must be control over account holder access, transaction tracking, account data and billing ((Gregg) Col 1 lines 18-21). Gregg additionally teaches that password schemes or vulnerable to fraud and that authentication of clientele through unique digital identification and or a biometric identification is desired when generating network transactions as it protects the consumer and the network provider. Leu teaches that the license for the user rights to play the digital content is based on "who the user is" ((Leu) Col 17 lines 15-18). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to expand the teachings of Leu to include the login in processes of Gregg in order to determine who the user is.

In reference to Claim 47:

(Original) The method of claim 42 (see rejection of claim 42 above), wherein the subscriber device is one of a compute, a set top box, a DVD player and an MP3 player ((Leu) FIG. 12, FIG. 13; Col 33 lines 1-4, 33-43, Col 34 lines 23-25).

In reference to Claim 48:

(Original) The method of claim 42 (see rejection of claim 42 above), wherein the media file is selected from at least one of a movie file, a music file, and a software program ((Leu) Col 33 lines 33-43).

In reference to Claim 49:

Leu and Gregg teach:

(Original) The method of claim 42 (see rejection of claim 42 above), further comprising ...and receiving content requests from each of the plurality of subscribers ((Leu) FIG. 1)

Leu does not teach:

...authenticating a plurality of subscribers...

Gregg teaches:

...authenticating a plurality of subscribers...((Gregg) FIG. 1, FIG. 9-11, FIG. 27; Col 4 lines 7-12, Col 5 line 67, Col 6 lines 1-5).

With respect to the limitation "receiving content requests from each of the plurality of subscribers". Although Leu does not explicitly state that the content provider receives request from more than one user. Leu is explicitly directed toward commercial transactions and the distribution of media and digital content. Commercial transactions and distributing product inherently contains a plurality of users. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention that Leu's teaching encompasses "receiving content request...from subscribers".

Concerning to the limitation "authenticating a plurality of subscribers", as discussed above Leu teaches a commercial system. Although, the combination of Leu and Gregg teach authenticating a single subscriber as discussed in the rejection of claim 42 above, Gregg teaches as well that a authentication system that encompasses multiple secure transactions, this implies authenticating a "plurality of subscribers". In the commercial system taught by Leu, Leu teaches that the "rights description in each license...include who the user is". A commercial system inherently consists of a market of many users. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention for the combination of Leu and Gregg to include authenticating many users.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent No. 7,203,844 B1 by Oxford is cited to for teaching a security protocol for digital copyright control. US Patent No. 7,260,721 B2 by Tanaka et al. is cited for teaching licensed identified content that is transmitted at a user's request. US Pub No. 2002/0019979 A1 by Koreeda et al. is cited for teaching media information retrieval. US Pub No. 2002/0013771 A1 by Blackson et al. is cited for teaching dispensing digital information. US Patent No. 7,346,920 B2 by Lamkin et al. is cited for being directed toward delivering media content to a plurality of client device platforms. US Pub No. 2002/0188608 A1 by Nelson et al. is cited for teaching license generation. US Patent No. 7,093,200 B2 by Schreiber et al. is cited for teaching browsing a repository of class and relation definitions including icons representing the classes. US

Pub No. 2003/0046282 A1 by Carlson et al. is cited for teaching a method for reusable software assets.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARY GREGG whose telephone number is (571)270-5050. The examiner can normally be reached on 4/10.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 5712726712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

19. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MMG

/Mary Cheung/

Primary Examiner, Art Unit 3694